

PUBLIC CITIZEN LITIGATION GROUP

1600 20TH STREET, N.W.
WASHINGTON, D.C. 20009-1001

(202) 588-1000

November 16, 2022

Honorable Theodore Chuang
United States District Court
6500 Cherrywood Lane
Greenbelt, Maryland 20770

Re: *Johnson v. Think Computer Corporation d/b/a PlainSite*
Nos. TDC-22-2422 and TDC-22-2573

Dear Judge Chuang:

Defendant Think Computer Corporation (“Think”) wishes to file a motion requesting leave to file a two-page surreply (plus signature block) to the reply memorandum filed in Case No. TDC-22-2422, accompanied by a short affidavit authenticating two exhibits. The surreply would address a factual assertion on page 5 of the reply memorandum (DN 32), accusing Aaron Greenspan (Think’s owner) of having “manipulated” one of the exhibits to his affidavit, Exhibit E (DN 28-1). Specifically, the reply memorandum contends (not supported by any evidence) that Greenspan “alter[ed] the email header” in emails that plaintiff Joseph Johnson sent to Think via its website, PlainSite.org. Johnson asserts that Greenspan inserted Johnson’s full name into the headers of emails from Johnson and represents that the actual email headers used only his first initial.

The surreply will show, supported by a short affidavit and two exhibits, that the portions of the email exchange to which Johnson refers are emails to Think generated by the software underlying PlainSite.org after Johnson submitted privacy request forms in 2016, 2018, and 2019 through that website, <https://www.plainsite.org/contact/index.html>, and that Johnson entered his full first and last names into the form (each of which is a required field). PlainSite’s initial reply to the 2016 request used the same full name that Johnson had entered into the request form. The later pages in the exhibit to which Johnson refers on page 5 simply reproduce the initial information generated by the software. A supporting affidavit will attach and authenticate both the blank online form that Johnson completed and raw data from PlainSite’s records, showing what Johnson entered in the form.

Johnson has been asked for consent to this proposed motion and has not responded.

Respectfully yours,

/s/ Paul Alan Levy

Paul Alan Levy
Oliver Edwards

cc: Mr. Joe Johnson